Dr. Orly Taitz ESQ

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Plaintiff pro se

IN THE NORTHERN DISTRICT OF TEXAS

Orly Taitz, ESQ) Case 3:12-cv-03251

v Kathleen Sebelius , in her official)

capacity as the Secretary)

of Health and human Services, et al)

REPLY TO OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

Comes now plaintiff, Dr. Orly Taitz, ESQ, Hereinafter "Taitz", and replies to the opposition by the defense as follows:

1. Venue

As it was explained in the response to the court, Taitz originally filed her complaint in California, where she resides.

According to the ruling of CA judge Dolly Gee, defendant Chatfield did not qualify as a Federal employee for the purpose of ascertaining venue. That is why the case was dismissed in California without prejudice, so that Taitz could refile in another district.

Mr. Chatfield resides at 1517 BONHAM CT, IRVING, TX 75038, which is in the Northern district of TX, therefore Taitz filed in the correct district, the venue is proper and the court has jurisdiction.

Moreover Chatfield's actions were not in furtherance of legitimacy of the Selective Service, his actions undermined the legitimacy of the selective service. Taitz presented to Chatfield evidence of forgery in Obama's IDs and due to some consideration Chatfield decided to burry this evidence. his actions are outside normal functions of former Director of Selective Service

2. Taitz does not belong to a recognized exemption group and will be subject to Obamatax.

See exhibit 1, Affidavit by Orly Taitz, stating that she does not belong to a religious group or sect and will be subject to Obamatax.

3. DEFENSE IS STATING THE OPPOSITE OF WHAT JUDGE LAMBERTH STATED IN TAITZ V OBAMA 10- CV-151 RCR

Taxpayer standing was confirmed by the chief Judge of the US District court for the District of Columbia, Judge Lamberth.

In Taitz v Obama Taitz originally sued under the Writ of Mandamus and the Commerce Clause and the original complaint dealt with Obama's eligibility per DC Quo Warranto statutes. ACA was not signed into law until after the original complaint was briefed. The court ruled that she did not have standing under those two clauses and stated that there is taxpayer standing under the Establishment Clause.

> "Ms. Taitz requests reconsideration of the Court's dismissal of her Commerce Clause claim, which asked the Court to declare the recently enacted Patient Protection and Affordable Care Act, Pub. L. No. 111-148, invalid. Ms. Taitz claims that because President Obama has not proved that he is a natural born citizen, he thus cannot legitimately sign the bill into law. Additionally, Ms. Taitz asserts that her imminent injury is sufficient for standing..."

" while the U.S. Supreme Court has recognized that taxpayer standing can be sufficient in an Establishment Clause challenge to government action in *Flast v. Cohen*, 392 U.S. 8 (1968), it has refused to create a similar rule for Commerce Clause challenges. *DaimlerChrysler Corp. v. Cuno,* 547 U.S. 332, 347-49 (2006); *see also Bowen v. Kendrick,* 487 U.S. 589, 618 (1988) 06.18.10 order by judge Lamberth in Taitz v Obama 10-cv-151 RCR, order on motion for reconsideration.

Upon receiving this ruling, Taitz filed another motion for reconsideration, asking to rule in her favor based on the Establishment clause, however the court ruled that since she did not bring the Establishment clause in the original complaint, it would not consider it under rule 60B.

"plaintiff cannot use her Rule 60(b) motion to raise legal arguments that were available to her at the time of filing. Therefore, the Court will not address plaintiff's new claims." *id*

Therefore Plaintiff did not have a complaint under ACA or Establishment clause. As a matter of fact, when the original complaint was filed on 01.27.2010 ACA was not signed into law yet, so she could not bring her complaint under ACA and the Establishment clause would not have been the correct basis for her complaint in January 2010 two months before ACA was signed into law. Based on the above one can see that Judge Lamberth actually found that the establishment clause would be a correct vehicle, correct cause of action for Taitz complaint.

4. IN JUNE SUPREME COURT RULED THAT ANTI-INJUNCTION CLAUSE DID NOT SERVE AS A BARRIER TO LEGAL ACTIONS CHALLENGING HEALTH CARE ACT, WHICH ALLOWS TAITZ TO PROCEED NOW.

Previously one had to pay a tax in order to bring a challenge to the tax. Recent decision by the Supreme court opened the door to multiple legal actions, challenging ACA and individual mandate by both individuals and employers.

Recently SCOTUS gave Justice Department 30 days to provide a response to the legal challenge against ACA by the Liberty University. While Liberty university brings a number of challenges against ACA, it does not bring all he challenges

brought by Taitz. In the interest of Judicial economy and expediency, it is reasonable to rule on Taitz challenges in order to bring them to SCOTUS in the near future. Estimates show that some 6 million people will be affected by the ObamaTax, therefore it is in the benefit of Public Policy to hear this matter expeditiously in order to provide a relief and resolution of grievances not only to Taitz, but to 6 million other individuals.

5. DEFENSE IS MISLEADING THE COURT BY NOT REVEALING THAT NEW GROUPS CAN APPLY FOR THE EXEMPTION.

Defense conveniently omits the most important point that new groups can apply for the exemption. Additionally defense omits

WHAT IF A RELIGIOUS GROUP OR SECT DECLARE THAT THEY ARE OPPOSED TO INCOME TAX, WOULD THE OTHER TAXPAYERS HAVE TO CARRY ON THEIR SHOULDERS ALL THE TAXATION FOR SUCH GROUP?

The absurd of ACA can be demonstrated by a following example: Let's imagine that tomorrow a group declares that they are opposed to income tax, does that mean that the rest of the taxpayers will have to carry on their shoulders all of the expenses, all of the tax burden of such a group? Potentially millions of people would join such a group. How would that be in public interest and how would it preserve equal protection? The only answer, is that it doesn't. ACA will open a

flood gate of claims of opposition to each and every tax for religious reason. this nation will be paralyzed. What defense is missing is the point that the Supreme Court ruled that Obama Care is not an insurance, but a tax, an Obamatax. Provision in the Obamacare is ill conceived. There have to be guidelines, limits of how big a group of objectors be in order for it to serve the public policy and not be a source of a divide and religious segregation in the society.

5. Defense is missing the point in that there is a significant difference between the Social security and Obamacare and there is a significant difference in demographics between 1936 and 2012.

Let's start with Demographics. In the 1930s, when the social Security Act was signed and first implemented the costs paid for the SSA were minimal, objectors were scarce. How many Amish resided in the United States in the 30s? A few thousand. Granting an exemption to them was insignificant. However, according to estimates there are between 7 -10 million Muslims in the United States. Muslim religion is the fastest growing religion in the U.S. both by virtue of massive immigration and high birth rate as in traditional Muslim families a man is allowed to have multiple wives and has multiple children. according to recent writings of Avi Lipkin Barack Obama is seeking to increase the Muslim population of this country to 100 million. As was extensively explained in the complaint and exhibits to the complaint, Shariya law prohibids purchase of

insurance, seeing it as a form of a usury, a form of gambling. a person is gambling that he will be seek, insurance company is gambling that he will be healthy. such large number of individuals opposing health insurance payment will bankrupt the country and its citizens, including Taitz.

7. Important point is the fact that the Health insurance and universal Healthcare are different from the Social Security, in that it is more expensive and the care will not be denied.

Massive assaults on the tax payers and massive violation of equal protection rights and civil rights of the U.S. citizens during Obama administration are flagrantly clear.

As an example, another case was brought in this very district Crane v Napolitano 12-cv-3247. Crane challenges another policy by the Obama administration in issuing an executive order allowing de facto amnesty to millions of DREAMers, illegal aliens under 31. Just as Taitz is arguing that the magnitude of a burden of ObamaTax, in it's application only to some religions and not others, is a flagrant violation of her civil rights, crane is arguing that the magnitude of the DREAM is upfront to Constitution and his civil rights.

In both Crane v Napolitano and Taitz v Sebelius the Plaintiffs are arguing that small scale exemptions that are on the books and were applied from time to time,

absolutely dwarf in comparison to massive social engineering that is clear based on the Demographics.

8. DEFENSE IS MISSING THE POINT THAT THE BURDEN ON CITIZENS LIKE TAITZ DUE TO MASSIVE EXEMPTIONS IN OBAMACARE IS INEVITABLE, 100% GUARANTEED ONE WAY OR ANOTHER.

What economic surveys show, is that under Obamacare the health care costs and insurance costs are rising rapidly. this means that if she buys insurance, she will pay more as her premiums will have to cover exempt individuals.(Exhibit 3 National Standard article. If she does not purchase insurance, she will be fined. financial injury is certain one way of another, which confirms standing, confirms that the damage is not hypothetical, not conjunctional.

CHALLENGES TO OBAMA WERE NEVER HEARD ON THE MERITS.

While defense claims that the challenges are frivolous, in reality not one single challenge brought by several hundred individuals against Obama was heard on the merits. Not one single judge ever saw the original documents for Obama, not one judge ruled that in light of evidence of forgery and refusal by the officials to show the original documents, show that Obama has valid IDs**.**

TAITZ WOULD STIPULATE TO CONSOLIDATION OF TAITZ V SEBELIUS AND TAITZ V DEMOCRATIC PARTY, AS WELL AS JUDD V OBAMA ET AL.

Defense brings forward an issue of similar legal challenges.

While one challenge deals with elections, and the other deals with the Healthcare act, there is a common component in these case, specifically a racketeering scheme by a number of officials in the government of Hawaii, federal government and judiciary aiding and abetting Obama in defrauding the nation by using forged IDs.

In the interest of judicial economy Taitz is willing to stipulate to consolidation of these challenges and will be to bring a petition with the Multi-district jurisdiction panel

CONCLUSION

Due to all of the above motion for Preliminary injunction should be granted.

10.04.2012

/s/ Dr. Orly Taitz ESQ

Exhibit 1

I, Orly Taitz, am over 18 years old, have personal knowledge of foregoing and attest that I am not a member of a religious group or sect that is exempt from ACA taxation and I will be subject to ACA taxation.

/s'/Orly Taitz

10.03.2012

CERTIFICATION

Reply brief at hand does not exceed allowed 10 pages.

/s/ Orly Taitz

10.03.2012

EXHIBIT 2

SUPREME COURT OPENS DOOR TO ANOTHER CHALLENGE TO OBAMACARE

Published October 02, 2012

FoxNews.com

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Legal battle over ObamaCare not over?

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Major rulings a prospect in the new Supreme Court term

Tucked inside the Supreme Court's lengthy list of orders on Monday was an indication that the fight over President Obama's health care law soon could be back before the high court.

Since the court's June decision upholding the law's individual mandate to buy insurance, one of the first Obamacare plaintiffs has been fighting for a new hearing on challenges to other portions of the law.

Liberty University, a Christian college in Virginia, has been fighting the employer mandate since the law was enacted, while challenging the law on other constitutional grounds. The school got as far as the 4th Circuit Court of Appeals, which refused to hear the merits of the case. That federal court decided that the original Liberty University lawsuit was barred because of the Anti-Injunction Act, which would block any challenge to a "tax" before a taxpayer actually pays it, in this case referring to the penalties associated with failing to obtain health insurance.

In June, the Supreme Court ruled that the Anti-Injunction Act did not serve as a barrier to lawsuits challenging the health care law. On that basis, Liberty University immediately petitioned the court to allow it to renew its original case.

On Monday, the Supreme Court noted the university's renewed request and gave the administration 30 days to respond to the request, suggesting that the justices are taking the Liberty request seriously.

"I think they've got very good arguments that they're entitled to their day in court," says former senior Justice Department official Thomas Dupree Jr. As an attorney and well-respected court-watcher, Dupree thinks the government will have a challenging time shutting down Liberty's petition.

If it is granted, the case would return to the 4th Circuit, putting it on the fast track back to Washington, D.C.

"Who knows, we might be back here in a year, arguing about the next great Supreme Court health care decision," Dupree speculated.

Lead Liberty attorney Mat Staver called Monday's news "a very positive development." Given the opportunity, Staver plans to renew a number of challenges to the health care law, including arguments related to freedom of religious expression and religious objections to abortion.

Read more: http://www.foxnews.com/politics/2012/10/01/supreme-court-opens-door-to-another-challenge-to-obamacare/#ixzz28OYaulx9**nt Supreme Court decision**

Exhibit 3

Editors: Obama's Middle-Class Tax Hike

Adler: One Good Term Deserves Another

New on NRO . . .

The Campaign Spot

Election-driven news and views . . . by Jim Geraghty.

Health Care Costs *Still* Going Up Under Obamacare? Unthinkable!

By Jim Geraghty

August 16, 2012 10:11 A.M.

Comments

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Greg Sargent transmits the next charge against Paul Ryan: "Dems are now going to launch a new offensive hammering home a simple point: Under the Romney/Ryan plan, health care costs for current seniors *do* go up."

Er… have any of these Democrats looked at health care costs for *everyone* since Obamacare was enacted?

Health insurance costs for families are up considerably: "Kaiser's survey found that annual insurance premiums to cover people through their employers average $5,429 for single people and $15,073 for a family of four in 2011. Those rates rose 8 percent for single people and 9 percent for families. In 2010, premiums rose just 3 percent for families from the previous year."

Then there's the price hikes in the current year: "The cost to cover the typical family of four under an employer plan is expected to top $20,000 on health care this year, up more than 7 percent from last year, according to early projections by independent actuarial and health care consulting firm Milliman Inc."

PricewaterhouseCoopers' Health Research Institute projects medical costs will increase 7.5 percent for 2013, a rate they characterize as "relatively flat growth." The National Business Group on Health projects a similar figure: "With the cost of employer-provided health care benefits at large U.S. employers expected to rise another 7 percent next year, employers are eyeing a variety of cost-control measures including asking workers to pay a greater portion of premiums but also sharply boosting financial rewards to engage workers in healthy lifestyles, according to a new survey by the National Business Group on Health, a non-profit association of 342 large employers."

Of course, all of these rates of increase are much more dramatic that the rates of increase in inflation, wage growth, and other economic indicators: "The projected growth rate of 7.5 percent for overall healthcare costs contrasts with expectations for growth of 2.4 percent in gross domestic product and a 2.0 percent rise in consumer prices during 2013, according to the latest Reuters economic survey."

Apparently the Obama message will be, *"Don't vote for Romney and Ryan, because they might fail to control the increasing cost of health care as badly as we have!"*